

**MINERALS CORPORATION
OF IDAHO, INC.**

P.O. Box 29
KELLOGG, IDAHO 83837

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SUPERFUND BRANCH

July 13, 1990

Ms. Sally Martyn
ENVIRONMENTAL PROTECTION AGENCY
Superfund Branch
1200 Sixth Street
Seattle, WA 98101

Re: Unilateral Administrative Order - 1089-10-21-106

Dear Ms. Martyn:

This letter will respond to EPA's comments on MCI's proposed Asbestos and PCB Plans. At this time, it is MCI's intention to stand upon the plans as submitted, for the reasons which follow.

As you are aware, MCI, in conjunction with Bunker Hill Mining Company (U.S.) Inc., and Gulf Resources and Chemical Corporation performed a removal action in response to the Section 106 Order shortly after the order was issued. We had expressed doubts following the issuance of the order as to whether the administrative record showed the existence of the type of substantial and imminent release necessary to supply a Section 106 Order. However, the removal activity was carried out notwithstanding these reservations.

At present, we cannot conclude that the mere fact that there exist asbestos and PCB items at the MCI facility, which might speculatively become subject to potential release depending upon the passage of time and the occurrence of a number of contingencies, is a sufficient justification for the exercise of authority under Section 106 in connection with the MCI facility. As you are aware, MCI is engaged in ongoing proceedings with the Clean Air Act and Toxic Substances Divisions of your Agency concerning the comprehensive regulations governing asbestos and PCB items. It seems to us that absent any actual imminent and substantial risks of release it is unfair to subject MCI to more burdensome and more comprehensive regulatory treatment than is generally applicable to all other facilities having asbestos or PCB items at their locations.

Further, to the extent that the comments to our proposed plans seem to anticipate an investigation into the amounts, percentages, and locations of asbestos and PCB items at the facility, we are aware that Gulf Resources and Chemical

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Corporation has previously become subject to a consent order requiring it to perform remedial investigations at the site. We are aware that Gulf Resources and Chemical Corporation has, through its contractor, Dames & Moore, partially carried out such an investigation and that such activities are ongoing. Furthermore, as we explained in our previous submission, in circumstances where Gulf discontinued the metals recovery operations at what is now the MCI site, and transferred all PCB items at the site without any intention or expectation that they would form part of further industrial enterprise, Gulf is responsible as the disposer of these PCB items.

Further, we are aware that Gulf is submitting proposals to carry out these portions of the Section 106 Order. We do not have the specifics of these proposals, but understand that the undertaking will insure that no substantial or imminent threat of any release ever actually matures. MCI will, of course, cooperate to the extent of its ability to do so with Gulf to carry Gulf's plans into effect.

Finally, I would close by noting that if MCI had sufficient resources to do so, we would try to put into effect the type of plan EPA seeks if for no other reason than to attempt to improve relations of goodwill with your Agency. But sadly MCI lacks these resources.

Yours very truly,

MINERALS CORPORATION OF IDAHO, INC.



J. W. Kendrick
President

JWK:nm